

John M. Bredemeyer III, President
Michael J. Domino, Vice-President
Glenn Goldsmith
A. Nicholas Krupski
Charles J. Sanders



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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHDOLD

Minutes

Wednesday, February 17, 2016

5:30 PM

Present Were: John Bredemeyer, President
Michael Domino, Vice-President
Charles Sanders, Trustee
Glenn Goldsmith, Trustee
A. Nicholas Krupski, Trustee
Elizabeth Cantrell, Senior Clerk Typist
William M. Duffy, Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, March 16, 2016 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, March 23, 2016 at 5:30 PM

WORK SESSIONS: Monday, March 21, 2016 at 4:30 PM at Downs Farm, and on
Wednesday, March 23, 2016 at 5:00 PM at the Main Meeting Hall:

APPROVE MINUTES: Approve Minutes of January 20th, 2016

TRUSTEE BREDEMEYER: Good evening and welcome to the February monthly meeting of the Southold Board of Trustees. I just want to introduce you to our Board members and Town attorney. To my far left is Nick Krupski; to his right is Glenn Goldsmith; to my left is Charles Sanders; I'm John Bredemeyer, I chair the Board; and this is Vice-President Mike Domino. The Town Attorney is Bill Duffy, and to our far right is our very able clerk Elizabeth Cantrell.

There are announcements or agendas, if you will, located on the lecterns. And at this time I will announce some matters that have been postponed from this agenda. Typically, if there is an item that we require more information on and/or something has happened that an applicant can't make the meeting, health or otherwise, or travel, we'll postpone it to the next meeting.

So I'll announce those, per chance you are here to speak to

a matter but it had to have been postponed, then you'll know.

On the bottom of page four, number two, **CARRIE TINTLE** requests a Transfer of Wetland Permit #1680 from Robert Bleimiller to Carrie Tintle, as issued on September 27, 1983; and for an Amendment to Wetland Permit #1680 to repair and level the existing 4'x20' fixed catwalk; extend the fixed catwalk seaward an additional 32' for a total of a 4'x52' long fixed catwalk; existing 3'x16' ramp to remain; and relocate two (2) existing 4'x16' floats by butting them together and installing them in an "I" shape. Located: 1235 Luptons Point Road, Mattituck. SCTM# 1000-115-11-8, has been postponed.

In the middle of page five, Thomas Wolpert, P.E. on behalf of **RIVKA SCHOENFELD** requests a Wetland Permit and a Coastal Erosion Permit to relocate an existing 660sq.ft. one-story framed cottage approximately 37' landward of its present location; construct onto cottage a new two-story 1,320sq.ft. framed addition; two-story 624sq.ft. attached framed garage; 624sq.ft. studio addition; one new 800sq.ft. seaward deck and one new 900sq.ft. landward deck attached to dwelling; the installation of a 30" wide by 46' long path from seaward deck to top of bluff; construct 3'x65' timber bluff stairs to beach with an associated 3'x7.5' top landing, a 3'x3' upper middle landing, a 3'x3' lower middle landing, and a 3'x8' lower landing; approximately 30 cubic yards of fill to be added to regrade the original footprint of the existing cottage and to regrade the lip at the crest of the bluff to prevent storm water runoff and bluff erosion. Located: 4790 Blue Horizon Bluffs, Peconic. SCTM# 1000-74-1-35.56, has been postponed.

On page seven, items nine, ten and eleven have been postponed. They are listed as follows:

Number nine, DKR Shores, Inc., on behalf of **SAMUEL SINGER** requests a Wetland Permit to install a pervious gravel driveway; construct a ±43.7'x83' two-story dwelling with attached 1,175 sq.ft. Seaward stone patio; install sanitary system landward of dwelling; install a 22'x62' in-ground swimming pool with surrounding 1,836 sq.ft. stone patio; install pool enclosure fencing; construct a 4'x197' fixed elevated catwalk using thru-flow decking; a 3.5'x20' ramp; and a 6'x20' floating dock installed in an "L" shape secured by two (2) piles. Located: 44030 Route 25, Peconic. SCTM# 1000-75-6-6.1

Number ten, North Fork Pool Care on behalf of **KATHY & RICH O'TOOLE** requests a Wetland Permit to construct a 20'x40' in-ground gunite swimming pool; a ±1,584sq.ft. pool patio; pool enclosure fencing; pool equipment area; and install a drywell to contain pool backwash. Located: 700 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-145-2-6

And number eleven, Creative Environmental Design on behalf of **LAZARUS ALEXANDROU** requests a Wetland Permit to construct a 16'x32' gunite swimming pool with cartridge system and a pool drywell; install a 575sq.ft. permeable pool patio; install an 18" high by 65' long retaining wall against the seaward side of

patio located 29'11" from top of bluff; and install pool enclosure fencing. Located: 2700 Sound Drive, Greenport. SCTM# 1000-33-1-11.

Those are the postponements.

The Board is trying to institute some new policies so we provide more openness and opportunity for members of the public to comment on our files. So we are adhering strictly to a policy where we close the files to seven days before the meeting. And we limit materials coming over the dais to notices that are proof of mailings that are required for the public hearings so that we are aware that a public hearing can go forward at the time that it's announced. So we are trying to adhere strictly to those policies so we'll allow more opportunities for proper dialogue with residents concerning applications before the Board.

We, in order to try to have an orderly meeting and have it move a little faster, there are a number of items that are administrative in nature for which there is not a public hearing, and in all cases these matters have been reviewed by the entire Board after a field inspection. And to facilitate moving these applications, we will often group them where there is no stipulations or no need to change the application as it is submitted. And those are items that appear in the resolution under Administrative Permits and Applications for Extensions and Transfers. So when we get to that section of the meeting we may move some of those as a group.

At this time I'll take a motion to schedule the next field inspection. Anybody want to move that?

TRUSTEE SANDERS: I'll move that.

TRUSTEE BREDEMEYER: Actually, would you just read that for the record.

TRUSTEE SANDERS: The next field inspection will be for Wednesday, March 16th, 2016, at 8:00 AM.

TRUSTEE BREDEMEYER: And we meet in the Trustee office in the annex for anyone who would like to participate in the worksession that precedes the field inspections.

Is there a second to that motion?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Does someone want to move the next Trustee meeting?

TRUSTEE SANDERS: I'll do it. Next Trustee meeting will be Wednesday, March 23rd, 2016, at 5:30 PM.

TRUSTEE BREDEMEYER: And that is here in the main meeting room. And go ahead with --

TRUSTEE SANDERS: And the worksession will be Wednesday, March 21st, 2016, at 4:30 PM, at Downs Farm. And on Wednesday, March 23rd, 2016, at 5:00 PM, at the main meeting hall.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: Motion has been made and second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Having read the Minutes of the January 20th, 2016, meeting, I would move to approve the January 20th Minutes.

Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for January 2016. A check for \$14,579.74 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

Public Notices are posted on the Town Clerk's Bulletin Board for review.

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, February 17, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Willem Kooyker & Judith Ann Corrente SCTM# 1000-3-1-5
Estate of Harriet E. Gamper SCTM# 1000-70-4-13
Robert Serling SCTM# 1000-86-2-10
Sayward Mazur SCTM# 1000-110-7-7
355 Lake Drive LLC SCTM# 1000-80-3-15

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, February 17, 2016, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Carrie Tintle SCTM# 1000-115-11-8
Neil & Lori Kearns SCTM# 1000-51-1-8
John & Kori Estrada SCTM# 1000-123-4-7
Samuel Singer SCTM# 1000-75-6-6.1
Firm Foundations Partners LLC SCTM# 1000-113-6-23

TRUSTEE BREDEMEYER: I would move those as a group. Is there a second?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE BREDEMEYER: As mentioned earlier, for the sake of efficiency, we'll group several of the administrative type actions. Item number IV, Resolution for Administrative Permits, I would -- (Perusing). We can't move the first two.

Okay, we'll have to open these up individually, these Applications for Resolutions Administrative Permits. I stand corrected. We have to deal with the Local Waterfront Revitalization Program with respect to the first two items to develop a consistency under the LWRP.

In the matter of the first application for Administrative Permit, Jerry Cibulski on behalf of **ESTATE OF DANIEL V. JENNINGS, c/o TOM DUNLEAVY, EXECUTOR** requests an Administrative Permit for the existing 19.5'x33.5' slate patio attached to existing dwelling; add 6 cubic yards of fill along the edge of the patio in order to create an on-grade patio; and vegetate area with pachysandra ground cover. Located: 3340 Oaklawn Avenue, Southold. SCTM# 1000-70-5-54.1

The LWRP program coordinator indicated that the existing deck was not constructed with a Board of Trustees permit. The Trustees acknowledged that by virtue of the application submitted that they are submitting to a Wetland Permit process. And it is recommended that a native drought tolerant plant be used in landscaping. The pachysandra species that were indicated on the application are native to Eastern Asia and Southeastern North America. Those were the comments relative to the LWRP.

Accordingly, to meet the requirements of the LWRP, I would move to approve this application thereby bringing it into consistency by the granting of a permit with the recommendation that drought tolerant plants of the Northeastern United States be considered, that would be suitable for this location. That's my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: And, number two, **RICHARD SUTER** requests an Administrative Permit for the as-built replacement of existing 14'x23' irregularly shaped deck with a 14'x23' deck on existing footings. Located: 545 Beachwood Road, Cutchogue. SCTM# 1000-116-4-22

This project was deemed inconsistent because of not meeting certain requirements of the Zoning Board and it was not constructed according to the Trustees Chapter 275 permit. Since the application has been brought into compliance with the Town Zoning Code, and since the deck is now applying for a Trustee permit to bring it into compliance, and the size is approved, I would say that this project will be consistent with the approval of the Administrative Permit, and I would so move it for approval. Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next item, number three, **BRIAN PARKER** requests an Administrative Permit to install four (4) 12'x14' floating platform upwellers (FLUPSYS) against the existing bulkhead for raising juvenile shellfish. Located: 305 Williamsburg Drive, Southold.

SCTM# 1000-78-5-15

This project is probably one of the, first of a few in Southold, using a provision in the Town's code for whole occupations specifically dealing with shellfish culture. The Trustee office and the Trustees have conferred with the Town Code officials and with the Town Attorney. We have a special -- we received special training in the Town Code. And accordingly I have tried to synthesize the comments of the Board and the Trustees in our deliberations at the worksession concerning this. Not only to protect, help protect the request that relates to a vital local industry, but also since it's sort of a one of, or a first of a kind, that we also recognize that shellfish operations do have impacts for their neighbors.

Accordingly, and based on that discussion we have had, I would move to approve this application with some stipulations. And the stipulations are drawn directly out of the Town codes.

So for the benefit of the applicant, for the permit, they could also refer to certain sections of the Town Code for guidance. And that would be, the first stipulation, that the required screening of equipment should be greater than or equal to ten feet off of all property lines; that the screening should also be greater than or equal to ten feet landward of an existing non-turf buffer, which is some pebbly material that is designed to protect the wetland from overflow over the bulkhead; and that if it is a fence that is used for the enclosure, it should be located in the side or rear yard and not exceed the Town Code limitation of six-and-a-half feet; that the project will be limited to no more than three FLUPSYS units with no future expansion, and that the FLUPSYS be attached solely to the bulkhead with no nets, lines or tackles suspended from the seaward side that would inhibit the harvest of wild shellfish in the canal, since the seaward side of the structure is at the public interface, the public bottom; that provisions for wash-down of equipment be limited to within the enclosure, within the screen enclosure, and that would include some sort of a pad and drywell to handle wash-down of equipment; and the stipulation before the permit is released from the Trustee office, that a marine survey be submitted depicting the distance from the seaward most FLUPSYS to the closest point on the opposing shore, to confirm that the FLUPSYS in no way goes more than one-third of the distance across the creek from mean low water to mean low water, thereby providing for proper navigation through that portion of the canal. And there would be no future expansion at this time without a discussion with the Trustees and the probability of meeting a public hearing for expansion, because

we would have to discuss a leasehold with the Trustees because the property owner owns underwater land but the FLUPSYS, more than three FLUPSYS would have it over public lands. So we would have to have further discussion with the public on that. That is my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE BREDEMEYER: In furtherance of simplicity and less of a mouthful, the items under Applications for Extensions, Transfers or Administrative amendments, I believe, if my notes serve me correctly, at worksession we found they are all in keeping with the field inspections. I would move to approve under Item V, I would move to approve items one, two, three, four, five, six, seven, eight and nine as a group. They are listed as follows:

One, Patricia McIntyre on behalf of the **NEW SUFFOLK WATERFRONT FUND** requests a One-Year Extension to Wetland Permit #8378, as issued on March 19, 2014. Located: 650 First Street, New Suffolk. SCTM# 1000-117-8-18

Two, **JANE P. COSTELLO** requests a Transfer of Wetland Permit #6767 from Sarlott, Inc. To Jane P. Costello, as issued on November 14, 2007. Located: 750 Holbrook Lane, Mattituck. SCTM# 1000-113-6-9

Three, J.M.O. Environmental Consulting on behalf of **FISHERS ISLAND YACHT CLUB** requests a One-Year Extension to Wetland Permit #8042, as issued on February 20, 2013, and Coastal Erosion Permit #8042C, as issued on February 20, 2013; and for an Administrative Amendment to Wetland Permit #8042 and Coastal Erosion Permit #8042C to modify the proposed sanitary system by installing a sealed/water tight pump chamber with a fence enclosure located adjacent to the Yacht Club building, approximately 210' landward of West Harbor; and to revise the conventional leaching pool system to a "Vertical Flow Vegetative Gravel Filter" system installed landward of Trustees jurisdiction. Located: Central Avenue, Fishers Island. SCTM# 1000-10-1-9 & 1000-9-2-13.1

Four, **LUCIEN BOHBOT** requests the Last One-Year Extension to Wetland Permit #8113, as issued on March 20, 2013; and for an Administrative Amendment to Wetland Permit #8113 to greatly reduce the originally proposed house alterations by constructing a 200sq.ft. addition with foundation onto the north side of the existing dwelling; install bilco doors with associated stairs; install gutters to leaders to drywells to contain roof runoff; repair the flooring on the existing deck; and subsequently maintain the non-disturbance buffer from the 8' contour line seaward. Located: 480 North Oakwood Road, Laurel. SCTM# 1000-127-8-8.5

Five, Jerry Cibulski on behalf of **ESTATE OF DANIEL V. JENNINGS, c/o TOM DUNLEAVY, EXECUTOR** requests an Administrative Amendment to Wetland Permit #4972 for the access stairs leading from the 4'x6' upper platform to be 4'x20' in lieu of 4'x15'. Located: 3340 Oaklawn Avenue, Southold. SCTM# 1000-70-5-54.1

Six, Michael Kimack on behalf of **THOMAS & NANCY ESHELMAN** request an

Administrative Amendment to modify the size of the floating dock to be 8' wide at ramp end by 6' wide by 18' in length with a 2'x2' at 45 degree corner brace "L" shaped floating dock using composite lumber on the decking. Located: 695 Howard Avenue, Mattituck. SCTM# 1000-113-9-3

Seven, **EUGENE L. DANERI** requests an Administrative Amendment to Wetland Permit #8184 for the as-built 24'x28' carport attached to the landward side of the dwelling. Located: 200 Terry Path, Mattituck. SCTM# 1000-123-6-14

Eight, Jeffrey Patanjo on behalf of **PHILIP & CHRISTINE MASCIA** requests an Administrative Amendment to Wetland Permit #8430 for the floating dock to be installed in an "L" configuration in lieu of a "T" configuration. Located: 910 Oak Avenue, Southold. SCTM# 1000-77-1-5

Nine, En-Consultants on behalf of **BENJAMIN & SIOBHAN MORDEN** request an Administrative Amendment to Wetland Permit #8695 to reduce the length of the 4' wide fixed catwalk from 50' to 40'. Located: 801 Maple Lane, Southold. SCTM# 1000-64-1-30.2.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number VI, under public hearings --

TRUSTEE BREDEMEYER: Wait, at this time we have to open up -- excuse me. Next under Amendments, we'll have to open a public hearing on the amendment of Docko, Inc.

VI. PUBLIC HEARINGS: AMENDMENTS:

TRUSTEE DOMINO: Number one, Docko, Inc., on behalf of **WILLEM KOOYKER & JUDITH ANN CORRENTE** request an Amendment to Wetland Permit #7375 and 7375C to add a 4'x6' cantilevered platform onto existing fixed pier; and add a 3'x20' hinged ramp leading to existing floating dock. Located: East End Road, Fishers Island. SCTM# 1000-3-1-5

The Trustees did extensive field work on this application. I believe, in August of 2014, Trustees Sanders, Domino, Bredemeyer and King looked at this property. The most recent, we had an in-house discussion on the 16th. The LWRP coordinator found this to be consistent. The CAC resolved not to make a recommendation as they have not made a physical inspection.

Is there anyone here to speak to this application?

MR. NIELSON: Yes. Good evening, my name is Keith Nielson, I'm with Docko, Inc., and I prepared the application documents that you are reviewing tonight. If I could go over them very briefly. The ramp landing that is in question is right here, it's on the east side of the pier, just past the dog leg, and you can see the ramp is extending from the ramp landing down to the float. And the float was previously approved in this position. We are not changing any of that. The change in the size of the landing was strictly to accommodate a recommendation by the New York State DEC in their review.

TRUSTEE DOMINO: Thank you, very much. Any questions or comments from the Board?

(Negative response).

TRUSTEE DOMINO: Does anyone else wish to speak to this application?

(Negative response).

Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted, noting that it is deemed consistent by the LWRP coordinator.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. NIELSON: On behalf of my applicants, thank you.

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE BREDEMEYER: The next application is En-Consultants on behalf of **NEIL & LORI KEARNS** request a Wetland Permit and a Coastal Erosion Permit to remove and replace existing wooden portion of bluff stairway below intact portion of historically existing concrete stairway (to remain) with a new 3' wide by $\pm 31'$ long (top to bottom) elevated timber bluff stairway consisting of a 4'x4' platform, 3'x19' steps, 4'x8' platform, 5'x6' landing, and 3'x12' steps to beach; remove existing concrete debris from beach; construct along eroding toe of bluff approximately 99 linear feet of stone revetment, including $\pm 12'$ easterly return, consisting of approximately 3 to 5 ton stone placed over 50 to 100 pound core stone and filter cloth; and restore bluff face by constructing terrace retaining walls and placing approximately 284 cubic yards of sand re-nourishment (including approximately 234 cubic yards of on-site material excavated from toe of bluff for revetment installation and approximately 50 cubic yards of clean sand to be trucked in from an approved upland source); and to be vegetated with native plantings. Located: 18075 Soundview Avenue, Southold. SCTM# 1000-51-1-8

This project has been determined to be consistent with the LWRP with the caveat or question to verify how the construction area will be accessed.

The CAC does not support the application, based on the following: The Trustees have established a pattern of approvals for this area. And the CAC cannot support this application because of the vehement disapproval of the consultant and engineering plans of hardening the bluff from bottom to top. Three applications for shoreline stabilization have been approved in this area within the last five years and are being used as precedent by the consultant to cause a continuous hardening and interruption of littoral sand flow, and like a

domino effect, the neighbors will suffer from continuous erosion problems as a result of these projects.

That is the primary discussion here from the CAC. We do try to take their advice in these matters. Noting also that I have been on the Board for the last five years, and we have taken these applications quite seriously in this particular area.

There is a letter to the file, that was submitted to the file, and I'll read it for the record. This letter is addressed to the Board of Trustees from 15 Lawrence Place in Rockville Centre, New York.

Dear Trustees, approximately two weeks ago I received a notice from the Board informing me of a hearing scheduled for February 17th, 2016. The purpose of said hearing is to consider whether or not to issue a permit for a significant work project on my neighbor's Sound front cliff on Soundview Avenue. The proposed work has the potential to adversely impact my property and I request that you postpone the hearing in order to give my family more time to review and assess the proposed work plan. This includes needing time to consult with experts about the proposed work, how the proposed work may impact our property and what if any adjustments might be appropriate to mitigate or minimize the potential for damage and harm to the environment and our cliff. The package of information I received is very lengthy and includes complicated drawings and plans that can not be reasonably reviewed and analyzed prior to the scheduled meeting. Moreover, my family is in the process of requesting more information from our neighbors and from En-Consultants, the company who has developed the plan. Among the important questions that need to be answered is what engineering analysis has been done on how the proposed rock revetment will impact erosion on our adjacent cliff to the east located at 18195 Sound Avenue.

At present time, the cliff on our side of the property line is well vegetated and in very good condition. The work plan proposes to construct a rock wall, including a plus or minus 12 foot easterly return that turns inward directly towards our cliff and beach stairs. This rock wall return section will most certainly direct wave action and water directly into our cliff and stairs, which are currently in very stable condition.

To date we have contacted but not received a return call from En-Consultants to discuss our concerns. The less than three weeks' notice that has been given is not enough for us to get answers to several very important questions we have. We believe it may be necessary to consult with our own environmental engineers, which will also take time. We are asking for a postponement of the hearing to enable us to better inform ourselves, talk to our neighbor's engineers, and so that we can better inform the Board about impact, legally and reasonableness of the proposed work.

We understand our neighbor's desire to address erosion on their property, and we don't believe they intentionally seek to cause damage to our property. However the current plans and

analyses don't appear to consider all the necessary issues and without further analysis and discussion may lead to damage and dispute in the future that can be avoided if we have more time now.

We are optimistic that with additional time we may be able to work with our neighbors and En-Consultants to obtain satisfactory answers or to make adjustments to the work plans such that our concerns will be addressed and we'll be able to support issuing a permit for the work.

At this point however, based on the information now available, we must oppose the plan and permit and ask that the hearing be postponed for at least 45 days, or as long as it takes to ensure the proposal is both reasonable, legal and appropriate.

And it goes on to provide contact information. That is a letter that we have in the file.

The Board of Trustees performed a field inspection and detailed that we definitely need to know how access, the access will be attained and the construction method that will be necessary. We also are concerned about the lateral support of lands, which would be for both neighbors to the east and the west.

We did note on field inspection that you see there is a large outcropping of what is the remnants of phragmites, communist roots, the phragmites roots, and we noted the proposed revetment is to the landward of that. So there were questions concerning the construction details that would leave that headland exposed and out in front of the revetment on the Sound front.

TRUSTEE SANDERS: And the alignment of the stakes, too.

TRUSTEE BREDEMEYER: And there was a question concerning the alignment of the survey stakes. There was some question whether we were discerning whether that they fully met what we were observing on the plan, and whether or not that they were already located somewhat seaward of the toe of the bluff. The bluff possibly having changed since the initiation of the application because of several very severe winter northeastern storms and subsequent northwesterlies that followed. I believe that covers -- if there are any additional --

MR. STEIN: If you can just read the portion of the CAC report, for record.

TRUSTEE BREDEMEYER: I've just received a request from John Stein who is the representative of the Conservation Advisory Council that I perform a reiteration of the section of the report. I'm not sure --

MR. STEIN: If you find it, deem it necessary, regarding the excavation of the bluff toe.

TRUSTEE BREDEMEYER: Okay. He has requested I read a section of the report which I believe is an interpretation of the code, which I'm not entirely sure the CAC is empowered to do. I would leave that maybe with the attorney.

The CAC comments that the Chapter 111 of Coastal Erosion Hazard areas prohibits mining or excavation from bottom to tops

of bluffs or for major projects. The application lacks details regarding 234 cubic yards of sand being extricated from the lower bluff face to support the top of the bluff. They wanted to see a more comprehensive erosion plan should be required due to the sensitivity of the area, and not by piecemeal approach.

MR. STEIN: Thank you, John.

TRUSTEE BREDEMEYER: You're very welcome. I believe I covered the inspectional issues. Did I leave anything out?

(Negative response).

It was pretty detailed. Is there anybody here who wishes to speak to the application?

MR. HERRMANN: Good evening. Rob Herrmann of En-Consultants. I'm the inimitable consultant referenced in the CAC's report. I assure you this is not my personal design to harden these properties. The owners obviously come to us, not because they are looking to spend several hundreds of thousands of dollars in fortifying their properties, but because they are themselves suffering severe erosion from these various storm events.

What I'm going to do in response to both the CAC comments and to the letter submitted by the neighbor, is I'm going to read into the record, and this is part of the application in case it goes too quickly. I can give you a written copy of it, where we address what are the current code requirements that the Trustees govern under right now, which is Chapter 111, Chapter 275 and Chapter 268, and how this application, as did those other applications, meet all of the current code requirements that the Trustees govern under currently.

In further response to the letter submitted by the neighbor, I would just like to tell the Board for the record, the gentleman called while I was away, ironically at a week-long coastal management conference in Charleston, South Carolina, where presenters from Maine to Florida were presenting on various methods and ideas to deal with basically adaptiveness and resiliency in sea level rise, climate change and increased flooding and erosion.

So I had asked Jeff Butler, who has also designed the other revetment applications that the Board has approved in the past few years, to give that gentleman a call back. He did call him back twice, and Jeff received no return call. So an effort, we did not speak to him, but an effort was made in my absence, to reach him. So just so the Board knows, we were not ignoring his concerns and the very valid questions he has.

With respect to 275, 111 and 268, specifically the LWRP, some background here, as the Board knows, Jay, we were standing on that same spot during the Gallagher application not very long ago, and as you know, this project, for the benefit of the new Board members, is intended to tie into that revetment that was recently approved by the Board of Trustees.

The subject property is located along a stretch of Long Island Sound shoreline that runs parallel with Soundview Avenue,

that has been severely impacted by increasing bluff erosion during the many nor'easter and other significant storm events in the past decade, especially including the Christmas 2010 blizzard and Superstorm Sandy in October, 2012.

In response to this accelerated shoreline erosion, owners of privately-owned properties located throughout this geological cell have been forced to seek approvals for the construction of shoreline stabilization structures including those approved by the Board of Trustees for rock revetments fronting 17665 Soundview Avenue, which is located four properties to the west, in November, 2011, which were Wetlands and Coastal Erosion Management Permit 7692 and 7692C; and for 17555 Soundview Avenue, which is located five properties to the west, which as the Board I'm sure is acutely aware, you revisited recently in the Fall of 2015, that's the Nicholas property, for which most recently Wetland and Coastal Erosion Management Permit 8682 and 8682C were issued again just in September, a few months ago.

I did notice Mark Terry's comment in his LWRP memorandum where he determines the project to be consistent with the LWRP but noted the Board should verify how the construction area will be accessed. And I'm sure for the Board members that lived through that with us, we all know exactly why Mark has included that in the report after the unanticipated means of access that occurred on the Nicholas property.

Also located less than a mile to the east of the subject property, as the Board knows, is the revetment that was installed by the Town of Southold itself in 2011 to prevent the collapse of Soundview Avenue.

The Board also approved a rock revetment for the immediately adjoining property to the west, 17975 Soundview Avenue, last summer, in June, 2015, for Kevin Gallagher, which is the adjacent site where we also at that time after much objection from the CAC met at the site, discussed that outcropping of groundwater and some of the other conditions that faced this project as well. For the record those were Wetlands and Coastal Erosion Management permit numbers 8620 and 8620C.

Here, similar ongoing bottom-up erosion of subject bluff is evidenced by a landward transgressing bluff toe, a steepening bluff face, the loss of naturally occurring vegetation from the toe of the bluff up to the approximate midpoint of the bluff face, and the collapse of the lowest portion of the historically existing cement bluff stairway.

I don't know if you got a chance to look at it but I included in my application some excerpts from the estate that was developed in the early 1900's. And there is discussed in this book Ever Eastward --

TRUSTEE BREDEMEYER: Which you have with you. Which I had an opportunity. I don't know if the other Board members necessarily --

MR. HERRMANN: In the upper left-hand corner of the left side page you can see a photo of the originally existing stairway

from 1916, which looks an awful lot like the photos that we submitted with the application for the portion of the stairway that is intact.

I think it is also interesting to note that the small picture adjacent to that in that book, it shows that the bluff, which originally was completely denuded at the time that that estate was developed in the early part of the last century, that they did a lot of plantings on that bluff that eventually ended up very nicely vegetating that bluff face to the point you could no longer see the stairway. And much of the upper half of the bluff is still in that same condition.

As the Board could probably see from the site, the lower half of that stairway, over a period of time, had fallen away and some of that concrete debris is now on the beach. That lower section at some point in time, I don't know when, was replaced with a timber stairway, which is also really now in need of replacement. So the replacement of that stairway is the other part of that application.

With respect to the ongoing erosion, the applicant is proposing to remediate the ongoing erosional loss with an erosion control project designed in accordance with the generally accepted eroding bluff stabilization practices recommended by the USDA Natural Resources Conservation Service, which is to simultaneously stabilize the toe and eroding portion of the face of the bluff by implementing a combination of structural or hard toe stabilization and both structural and soft sand re-nourishment and re-vegetation of the bluff face. Specifically, a stone revetment is proposed to stabilize the toe of the bluff, which will occur first. Then the washed out portion of the lower bluff can be stabilized with terraced retaining walls and re-nourished with sand and planted with native vegetation, including beach grass for the most immediate ground cover, and woody plants such as northern bayberry and beach rose, to maintain long-term vegetative stabilization.

The project also includes the removal of concrete debris that is now on the beach from the collapsed portion of the concrete stairway and the removal and replacement of the wood stairway previously constructed and placed on the collapsed lower section of concrete stairway. The stable upper portion of the bluff and intact portion of the historically existing concrete stairway which was constructed during the development of the Alfred H. Cosden Estate in 1916 will remain undisturbed.

So again, there is no activity occurring in the upper half of this bluff. And to verify the means of access, it will be by barge. So there will be no such event that occurred on Nicholas, even if Jeff and I have to be hired to monitor the implementation of the project, if it is to be approved by the Board.

Pursuant to principals set forth by Section 275-11(b)(1)(b), the proposed revetment is proposed in an area suffering from extreme erosion, as described above. Consistent

with Section 275-11(b)(1)(b), Sections 111-10 and 111-15, and Policy Four of the LWRP, the revetment will be installed with a sloped face and angled returns and will be placed along the existing bluff toe to avoid encroachment on the beach surface seaward of the existing bluff, and to avoid causing measurable increase in erosion of the site or adjacent properties or result in any other adverse impacts on adjoining properties and natural coastal processes and resources.

I'll add that contrary to the question posed by the neighbor in the letter, the idea of the angled return is obviously not the cause of bluff destabilization. The purpose of the angled return is to avoid the kind of wave reflection and active erosion that is caused by right angle returns, which is what used to exist on vertically faced bulkheads. So you get wave reflection in front of the wall that would cause the scouring and seaward side of the bulkhead, and then they would put in these right angle returns up along the property lines, and during severe storms you would get wave refraction, what you call the sort of eddies that form around the return and cause scouring. And the neighbor -- so the purpose of the angled return and the slope faced structure, and using rock instead of a bulkhead, is the best means possible to avoid all of those sort of traditional active erosional adverse impacts associated with shoreline stabilization.

As we discussed at length in the Gallagher application, that is not a perfect solution but it's the solution that remains to us now and remains consistently supported by every section of code as it is currently written.

The revetment is actually designed to tie into the recently approved revetment to the west, and there already exists at the easterly end of the property and westerly end of the adjoining property to the east, that is the one owned by the letter writer, a significant cluster of natural fieldstone. So you probably saw at the site at the portion of this property that ties into the applicant on the letter writer's property there is piled up fieldstone down there now. Now, I don't know, it doesn't look like it's completely naturally occurring. The fieldstone probably originated there, but has probably been shuffled around at that corner by one or both owners or their predecessors at some point during time.

Almost done. Further, pursuant to Sections 111-10 and 111-15, the purpose of the proposed structure and integrated erosion control remediation plan as described is designed specifically to stem the continued denuding and loss of the bluff, which is the property's natural protective feature. And the design has been engineered in accordance with generally accepted engineering principals and likely to control long-term bluff erosion at the site through long-term maintenance and its intended ability to withstand inundation, wave impacts, weathering and other effects of storm conditions for a minimum of 30 years.

The project is further consistent with policy four in particular of the LWRP because the structure is being proposed only where, one: non-structural vegetated means alone will not be sufficient at stemming the advance and ongoing bottom up bluff erosion at this site.

Two: the natural protective feature here, the bluff, cannot be effectively enhanced without first stabilizing its toe as evidenced by the recent pattern of severe erosion throughout this the geologic cell.

Three: A hard structure is the only design consideration that can practicably and effectively provide such toe stabilization.

Four: The proposed structure has been limited to the minimal scale necessary to effectively stem the erosional trend and is based on sound engineering processes.

Five: Vegetated restoration and enhancement is and will remain part of the long-term remediation plan design here.

And six: There will be no significant direct or indirect cost incurred by the public as a result of the project.

Ultimately, the goal of the project is to stabilize, restore and enhance the natural protective feature of the property, which is the bluff, for the purpose of minimizing loss of structure and natural resources from erosion. Which is consistent, again, with the relevant permit standards set forth in Chapter 275, the Town's Wetlands law; Chapter 111, the Town's Coastal Erosion Management Law; and Chapter 268, the Town's locally adopted LWRP.

TRUSTEE BREDEMEYER: Thank you.

MR. HERRMANN: Jeff Butler is also here to answer any technical questions I anticipate the Board may have about this specific design and stakes. I did send to Liz, I E-mailed to Liz a sketch from Nathan Corwin that laid out exactly where he put the stakes, what the stakes were and what they were supposed to represent.

TRUSTEE BREDEMEYER: We are in possession of that map with, and the points on there.

TRUSTEE SANDERS: Looking at this, I think it answered the question we had before. It makes sense now.

TRUSTEE BREDEMEYER: Where are you in the permit process with the Department of Environmental Conservation on this?

MR. HERRMANN: We filed but we've not gotten a response. We don't have a permit from them yet. They had sent us a letter asking if we had a written letter from Kevin Gallagher confirming the tie-in between the two structures. Unfortunately Kevin is currently in London and it's been a little bit hard getting in touch with him. He has spoken with Neil Kearns since the inception of Neil's proposal to go through with this. So it's Jeff's and my understanding that these two neighbors do plan to move ahead with this project together. If for some reason that changes due to circumstances beyond the Kearns' control, then this, the design for the Kearns' project would, we'd really have no choice but to modify the design so that the angled return

stops right at the property line as opposed to continuing over.

It really would not be the ideal solution because you would sort of get two returns going in and instead of having a continuous face, you would have a little bit of an indentation there. So our hope and intent is to get Kevin's -- well, we think we have his cooperation, but to get him to indicate his cooperation in writing. So that would be something we would have to provide to you also.

TRUSTEE SANDERS: That was one of my questions. Because you go almost eight feet onto his property to make that tie in.

MR. HERRMANN: And Charlie -- welcome back by the way.

TRUSTEE SANDERS: Thank you.

MR. HERRMANN: The reason for that is because when the Gallagher application was designed, it was designed without, for structures on the adjoining property. So the way Jeff designed it was to have an angled return on both sides. Obviously if they go ahead together, that would not make any sense at that point. It would make more sense to run a continuous stone through. But the way Kevin's approval was granted, was for that return. So either (a), we have to show the eight foot, you know, up to eight-foot connection or (b), Kevin would have to modify his permit to eliminate his return. So one or both of the permits would have to be modified if they in fact go ahead together. But unfortunately we are --

TRUSTEE BREDEMEYER: I have a question relating to that notion of the support of lateral lands and the tie-in with neighbors. Because it goes to the heart of the written request in the letter we received from the neighbor to the east. Having experienced this piece of shoreline and visited it through at least three nor-easters to see the massive siltation that occurred when things don't go maybe according to communications that we have. But there was a case where we had a tie-in issue and lateral support and where we ended up with two slightly differing opinions from well-regarded engineers in town, and tried to work those things through. And the issue here with the neighbors raising issues of the lateral support of land, although well articulated and probably in keeping with most of the standard engineering practice, with respect to your tie-in with Gallagher, an inscription of why they are angled, in some cases we are hearing slightly, from other engineers, we heard slightly different thoughts, and so it's one of those issues where it was articulated in, I think a neighborly manner in that letter. And I think it's just been, people need to get out of town after what some of these storms have done. So we understand you have been on vacation, they may be on vacation, to accommodate not only best management practice but engineering thought. It seems like the main issues here is that lateral support land issue.

MR. HERRMANN: Yes. And like I said, the questions that are being raised by the neighbor, you know, they are not gratuitously obstructive. They are genuine concerns, they are

intelligent concerns. They are intelligently articulated concerns. I can let Jeff speak more to this. Where we had the biggest issue is during the, I guess it was the re-visitation of the Nicholas project. And if you recall, obviously, maybe what you are alluding to when Joe Fischetti was here. And what we had in that situation was we had elevation contours up the face of the bluff that did not jibe with the angle of the property line. Here you have fairly shore perpendicular elevations on the westerly end of this property, tying -- well, both properties really -- but tying into that neighbor's property. So there should not be that concern that Joe Fischetti had voiced in the Nicholas project. And if you remember, the project had to be designed to accommodate that, where the assertion was where this sort of the angle of that fault line through the contours was, you know, the argument was that was not taken into good enough consideration.

So here, not surprisingly, it was one of the first things Jeff and I discussed when we came here because we had already spoken to Neil and we knew of his plans with Kevin Gallagher. But that was sort of before the entire Nicholas situation erupted. So once that happened, Jeff and I kind of got back and said we kind of have to make sure we don't have that kind of issue here. So as I said, I don't know if the Board, given the letter, is going to be inclined to continue this hearing next month, and if so, maybe we save Jeff's comments until then, or he can respond to them now.

TRUSTEE SANDERS: I have a couple of questions. The question to us is, when I look now I understand now that it's a little more articulated. This is behind the existing rock here. So how --

TRUSTEE BREDEMEYER: We don't know. Okay, Trustee Sanders has just asked me some questions about the west side and whether we would know how much stability from the existing material is there. And of course we don't know the status, if that's fair to say.

Another question I have, maybe since engineer Butler is gone up to the dais, a question I had, too, is there is a large section of concrete stairs that had collapsed and was below. Now, is this plan to break that up, incorporate that, if permissible, through ours and DEC permit, or is that one section going to stay? In other words, concrete, you referenced concrete on the beach. But I'm wondering about that one specific, it looked like about a four-feet by 12-foot -- it was --

MR. HERRMANN: The section on the face.

TRUSTEE BREDEMEYER: On the face.

MR. BUTLER: Yes, the plan for that was to be removed. Not to be recycled on site to be part of the wall.

TRUSTEE BREDEMEYER: Because we have a mixed history of use with some of materials with permitting agencies. So sometimes the DEC is reluctant to grant permits. But I think we probably want to see that removed.

MR. HERRMANN: It would have to be removed. I didn't call that out in the application in the same way I did with the material

on the beach because in terms of asking Jeff to cover that on the plan, what was on the beach, I was trying to stress that the naturally existing fieldstone, whatever its configuration, would be left alone. Which is what the DEC always requires. They don't want material to be moved around or incorporated into the project. But the concrete material they typically in a situation like that if it can be removed, will want it to be removed. The removal of the bluff face we can certainly note that on the application, if you want it, but that would just be part of the proposed bluff restoration. Because you would not be able to get the new stairway in properly with those huge --

TRUSTEE BREDEMEYER: Maybe for the sake of being concise and clarity, I think the Board, based on concerns of the lateral supports, we may want to provide the opportunity for engineers or neighbors to talk to each other. So I'll just give you that sort of an open hint how you might want to reference the discussion now because it may take place again next month.

MR. BUTLER: Okay. Briefly, we have seen a lot of success with these types of returns, that we now have a pretty good history of. And not only the angle of return but also the energy absorption of the wall itself and not being a reflective barrier has really mitigated any eddying occurring that Rob was speaking about to neighboring properties.

So it's a combination of both the angle and the fact that these revetments actually absorb the hydraulic energy from the storm events and not reflect it back onto neighboring properties. So, I just wanted to speak about that.

TRUSTEE SANDERS: It would give them another chance to contact the homeowner, too.

TRUSTEE BREDEMEYER: Are there any other questions that the Board members have?

(No response).

TRUSTEE BREDEMEYER: Trustee Domino is just doing a reiteration to avoid the tie-in issues that are developing with Gallagher. And again it's a matter of time and trying to coordinate projects to include the neighbor -- Elaine Felders is the name of the neighbor.

MR. HERRMANN: Yes, it was Mr. Felders who left the message.

TRUSTEE BREDEMEYER: I think that covers some of the discussion. Is there anyone else here who wishes to speak to this application?

MR. FELDER: Tim Felders. My mother is Elaine Felders. My brother left the message. If I may speak. The letter says what we are concerned about. We are asking for a postponement so we can study this. Possibly get our own engineers, speak with you, understand what we are doing. I'm a horticulturist, not an engineer, so it's all very Greek to me.

And it's interesting what you are saying with the way the abutment would work. I don't know, but I want to find out because we have to protect our property, we have to protect where we are. And we know it's a very serious issue, the erosion along that section of beach. So that is our request.

MS. FELDER: (Inaudible).

TRUSTEE BREDEMEYER: We don't have this dialogue on the record. Just so you know, if it's something you want to get on the record, you have to go to the lectern.

MR. FELDERS: My brother is in Alabama at this time, he'll be contacting me, so, nothing else at this time.

TRUSTEE BREDEMEYER: Thank you. Is there anyone else who wishes to speak to this application?

(Negative Response).

Any additional questions?

(Negative response).

Accordingly, I think this is a good start on a very difficult project, and obviously there has been a learning curve here for the Board, and based on some of the past histories there, and I would say Trustee Domino and myself, have walked this beach now probably about ten times since last spring when we were with the Gallagher application. It was in our ever present awake state, and even as I live in Orient and when the northeast wind came, it was more than once I went to visit the then-neighboring property, because of the difficulties. It was a real difficult hall for all of us.

Accordingly, I would make a motion to table this application to allow the neighbors to communicate with each other, and ideally report back before next month's field surveys to the office, so if there was a need to have an onsite field inspection with engineers, and it have additional field discussion on any particular aspects, that we would be able to afford another field inspection on that.

MR. HERRMANN: Are the inspections on the 16th?

TRUSTEE BREDEMEYER: We are on for -- Liz says yes.

Okay, is there a second on the motion?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: Second on the motion. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Thank you.

MR. HERRMANN: Thank you.

WETLAND PERMITS:

TRUSTEE SANDERS: Next, number one under wetland permits, En-Consultants on behalf of the **ESTATE OF HARRIET E. GAMPER** requests a Wetland Permit to construct approximately 184 linear feet of vinyl bulkhead in-place of existing timber bulkhead and backfill with approximately 25 cubic yards of clean sand fill to be trucked in from an approved upland source; remove existing 5'x22.5' wood ramp and install a 3'x26' aluminum ramp to existing 10'x30' fixed concrete dock with wood decking; and construct a new ±16' section of vinyl bulkhead within 14" of existing concrete wall/boathouse foundation wall.

Located: 2895 Wells Avenue, Southold. SCTM# 1000-70-4-13

Okay, the LWRP has found this application inconsistent. The proposed actions have been reviewed by Chapter 268, Waterfront

Consistency Review of the Town of Southold Town Code and the LWRP policy standards.

The issue that they raised is under 6.3, Protect and Restore Tidal and Freshwater Wetlands. Under Alpha, comply with statutory and regulatory requirements of the Southold Town Board of Trustee laws and regulations for all Andros Patent and other land under the jurisdiction. Comply with the Trustee regulations and recommendations as set forth in Trustee permit conditions. So this is where they hit the point. The existing concrete dock was not constructed pursuant to a Board of Trustees wetland permit. A permit was issued for a dock structure in 1957 under the name Meoller M-E-O-L-L-E-R, for a dock 20 feet in length. The existing dock does not comply with a permit configuration.

So that covers the LWRP's current issues. And I'll go to the CAC findings. The CAC resolved to support the application.

There is a letter in the file I need to read as well.

Now, are we going to have the entire letter read or --

TRUSTEE BREDEMEYER: Why don't you read the entire letter.

TRUSTEE SANDERS: Okay. This letter is from Raymond and Joyce Vastola.

We are owners of the adjacent property to the bulkhead proposed as 2895 Wells Avenue, Southold. Unfortunately we will be traveling outside the country during the week of February 15th, and as a result will not be able to attend the public hearing on the project in person. So instead we are writing to the Board on this matter. While in no way expert in the technical merits of this proposal, in general we are okay with the upgrade plan. However we want to be sure the new construction will not adversely affect our property or improvements.

Therefore, we request for the work that the Board review the application from this perspective, and as to any work the Board may provide permit for, that this work be subject to the Gamper's Estate or their successors, agreeing to be financially and otherwise responsible for damage to undermining of our property or existing bulkhead as a result of the construction or placement of that work. We make this request given that the plan includes a new 16-foot bulkhead section adjacent to our bulkhead. Our bulkhead is currently in very sound condition. We spoke with Rob Herrmann of En-Consultants, and Angelo Stepnoski of Greenport Dock to better understand the work and the need for assurance of remediation action if required.

Please include this E-mail in the record of the hearing.

On February 10th, 2016, the Board of the Trustees actually went to this property. All were present. And I'm going to let John read his handwriting, as I am not a doctor.

TRUSTEE BREDEMEYER: I guess the Board is also concerned with a pre-existing boathouse that does not appear to have plumbing or electric in it, that it would be retained as a use for strictly for boat storage at this time. So any permit consideration would not get out of bounds with respect to the building and zoning code of the town. And I don't recall the status of the C of O on

the boathouse. Maybe the clerk does. I don't think there is a C of O, right?

MS. CANTRELL: No.

TRUSTEE BREDEMEYER: Okay. So I think that was an important issue.

There was an old Trustee permit in the file that indicated that the bump out there in the bulkhead was, mean high water was approximately about halfway out at that time, and not only does it appear that there is a solid fill was put on Trustee land but also that the concrete wharf, if you will, for lack of a better term, the area under the deck and the seaward portion of the dock is totally covering up Trustee land and is diminishing productivity. So based on the field survey we think this is an opportunity to probably maybe save some construction cost for the applicant and reducing the need for so much bulkhead, but it would be something with a crane and barge there and the work going on, it's time to get the concrete off Town Trustee land, and go to an open-constructed dock structure -- with open-grating over the wetland and get rid of the concrete.

We are thinking there will be so much disturbance to soils and equipment will be there that this is the time to clean this up and, you know, projecting forward.

TRUSTEE SANDERS: It looks like the dock is not constructed on top of the concrete. It looks like it's constructed around it.

If I'm not mistaken.

TRUSTEE BREDEMEYER: Right, the pilings are out, you know, out beyond the old pier, which I don't know if it sank in or broke off. But it seems like a lot of concrete.

MR. HERRMANN: Are you ready for me?

TRUSTEE BREDEMEYER: Those were the concerns on field inspection. What did the CAC say?

TRUSTEE SANDERS: (Indicating). We covered that already. You're on. Does anyone wish to speak to this application?

MR. HERRMANN: Yes. Rob Herrmann of En-Consultants. There's a couple of issues, Jay, you are raising, and I was anticipating and following some of it. I'm not sure I'm following the rest of it. We thought we had dated ourselves pretty well on this.

The Gamper's estate purchased this property in January of 1977. And we have from them a survey dated August 31st, 1976, that shows the 10x30 filled dock that is there now. It is a filled dock. It doesn't even remotely resemble something the Board would approve, but it has been there since at least 1976.

Without a permit. There was a permit apparently issued in 1957.

We did get, I think the spelling was wrong on the LWRP report.

It was H-E-R-M-A-N A. M-O-E-L-L-E-R. And I did look at that plan, and the bulkhead configuration was identical to what is there. So there has been no increase in the extent of that.

TRUSTEE BREDEMEYER: Understood. I was not suggesting -- no, what I was suggesting is that the mean high water at that time was about midway out of the bump out, so there was an area there that is over, you know, below -- above Town-owned wetland. We don't know whether they have title insurance for that or whether

it was originally titled just to mean high water mark. So those are some of the concerns that we have.

MR. HERRMANN: That, I don't know. I can tell you the bulkhead has been in that, the section that extends out 25 feet, is exactly what was depicted when the property was purchased, and has apparently been that way since at least April 23rd, 1957.

TRUSTEE BREDEMEYER: That was the prior owner. That was not the --

MR. HERRMANN: It was Moeller.

TRUSTEE BREDEMEYER: Right.

MR. HERRMANN: So I can say unequivocally I know the owners won't engage in a conversation to eliminate the land that they have owned for 30 or 40 years.

TRUSTEE SANDERS: I think he's not talking about the bump out, he's talking about the concrete underneath the deck.

TRUSTEE BREDEMEYER: No, I'm talking about the bump out at that point. I would say that without knowing the title and how the property runs with the title insurance, that would be the land that they have, the public land they have enjoyed the use of. And I think that's a slightly different perspective. In other words there might have been permits granted, but we don't allow solid fill on docks and we don't allow filling of wetlands at this time. So the notion would be that several owners have enjoyed the use of Town Trustees land, if it can't be shown that there was title insurance or clear title to that. I'm just -- I'm not trying to be argumentative.

MR. HERRMANN: I understand. What I'm saying, Jay, is the permit that was granted in 1957 by the Town is for the configuration that is there.

TRUSTEE DOMINO: We understand that.

MR. HERRMANN: Okay. So a separate issue from the dock, what I'm saying is everything you are seeing is legally there.

TRUSTEE BREDEMEYER: But it is an issue that we regularly grant permits for construction on Trustee land now, and they did at that time, but that does not convey the notion of ownership of that underwater land. In other words --

MR. HERRMANN: But it's not underwater land.

TRUSTEE BREDEMEYER: Excuse me, it doesn't convey ownership of land. It is land, it may be upland of the Town Trustees at this point.

MR. HERRMANN: I'm going to leave that issue alone for a second and go back to the dock. The issue with the dock is, from, again what I understand, is there is a filled concrete dock that is there. It was obviously decked over at some point. And I was just mentioning for the record that that is the condition that they purchased the property in. Understanding that now they are asking for a modification, in effect, in terms of the gangway going out.

What I would ask of the Board is if we could withdraw from the application the proposal for the new gangway, if the Board could treat the, in effect issue its approval for the bulkhead,

the proposed bulkhead work and replacement work, without the gangway, with the understanding we would then have to come back and either amend the permit or file for a separate permit to physically remove the filled dock. You know, this is similar to other applications we have had where there is an older dock that didn't conform, didn't serve the proper needs or whatever. But it will take some time to do that. It will take an additional probably hydrographic survey work, design for the dock, I assume the Board would want to see a 6x20 floater in place of what is a 10x30 filled pier in effect.

I don't know whether we would need some short portion of open-grate fixed walk to get there and then a ramp and a float, whatever we have to do, we would come up with a design for the dock to replace that. But there is no way I can simply throw that into the application now.

TRUSTEE BREDEMEYER: Can I ask a question that maybe relates to that. That is logical with respect to past precedence and how the Board has dealt with things, and typically a pre-existing nonconforming structure, the Board typically tries to work with applicants to bring them into compliance. In your capacity of applying for permits on behalf of this trust or estate, rather, are there trustees or individuals in there that you might be able to discuss also with dialing back the portion of the bulkhead that is out into the water, so it would still bump out, but its interface would be approximately half of what is -- if it's 25 feet, I think, it would be like 12, 12-and-a-half feet. So it would be at the high water mark which in the picture in the aerial overview seems to be pretty much consistent with the, you know, in other words, with the tie line between the high water mark along that beach, you know, roughly be the seaward most extension at this time. That would free up an area of littoral, good littoral growth, and I don't think it would in any way diminish, it doesn't seem it would diminish, it's a large piece of property, but it puts it into productivity. Obviously we'll be looking into non-turf. I'm sure the Board in the past has even agreed to decking is non-turf, so that, as far as the utility of a space such as that, it could be investigated with the owners. It would also reduce slightly the amount of footage of bulkhead. It's just a thought.

MR. HERRMANN: Again, I can relay that idea. I would be shocked if it got any attraction. The high water line now goes up to the surrounding bulkhead area. So to cut that back to the high water line basically in line with the rest of the bulkheading, you would be eliminating probably about a 700-square foot piece of property, as I said that was originally permitted by the town. It has remained in functional condition ever since, and in my experience it would be highly unusual for the Board to make that kind of request, for somebody to eliminate a piece of their land.

TRUSTEE BREDEMEYER: I don't want to speak on behalf of the precedence or the Board, that's part of our discretionary authority to try to protect our underwater lands. And actually

we have several cases where we have found structures that are out to the creek a bit further than neighboring structures and we do try to work with the applicant to bring it more into conformity.

I would say since you offered a request that really we can't modify the plan with pulling the dock off now, we requested that we look into this further and you said you would be in a position to at least ask. And that would give us also the opportunity as a Board to look into some of the land ownership issues, acknowledging that there was a permit there. I think, and that maybe for your part on behalf of the estate and for our part maybe if there is title insurance covering that portion, you know, we could see that, and then see maybe they will be responsive.

MR. HERRMANN: All I can do is relay it, Jay, I'm not -- it's probably something the estate would want to talk to its attorney about. It's not really something I could represent.

TRUSTEE BREDEMEYER: Understood.

TRUSTEE SANDERS: Is there anybody else who would like to speak on behalf of this particular applicant?

(Negative response).

TRUSTEE SANDERS: Any thoughts from the Board, anybody else?

(Negative response).

I make a motion to table this hearing.

TRUSTEE BREDEMEYER: Motion has been made.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. HERRMANN: What are we tabling it for?

TRUSTEE BREDEMEYER: We didn't enumerate specifically, but it was for all those things that were precedent, to understand all those things that led up to it. So if you go back to the owners, we would like to research the land and title insurance.

MR. HERRMANN: Okay, thank you.

TRUSTEE BREDEMEYER: And obviously the question about if the owner is prepared to make some discussion concerning the solid concrete underneath the outer portion of the dock as well.

MR. HERRMANN: Oh, yes. Like I said, with those two issues, that part is fully understood. The other part has gone over my head. Thank you.

TRUSTEE DOMINO: Number two, Frederick Weber on behalf of **RAYMOND RAIMONDI** requests a Wetland Permit to demolish existing one-story dwelling and construct new two-story single-family dwelling (3,468sq.ft. First floor footprint), with a 186sq.ft. front porch, and a 254sq.ft. rear porch; first floor to be raised to meet flood zone conformance; install new sanitary system; existing 22'x48' garage and 14'x24' shed to remain; reconfigure driveway; and add approximately 200 cubic yards of clean fill. Located: 1150 Mason Drive, Cutchogue.
SCTM# 1000-104-7-6

This application was tabled before to consider moving it back. We have plans received on January 26th reflecting that. The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that portions of the new structure are proposed to be built within the FEMA AE E1 six-foot flood zone, where depth of the parcel allows structures should be located outside of these hazard areas to mitigate or avoid, minimize loss. In the event that the action is approved, the following is recommended. That would be, require a vegetated non-turf buffer landward of the wood bulkhead, existing beneficial plants would be preserve the area supplemented with native drought resistant species. No fertilization recommended.

The CAC resolved to support this application, noting that they recommend best management practices for the driveway to allow for proper drainage.

The Trustees did, most recently, did an in-house discussion on February 16th, noting again that the house had been moved back.

Is there anyone here to speak to this application?

MR. WEBER: Yes, Fred Weber, the architect for this project. Again, the project is located at 1150 Mason Drive, it's on the south side of the road. It's an R40 zoning, it's a conforming lot. It has a continuous bulkhead that goes along the shoreline with some sand and wetlands actually located beyond. There is an existing one-story house there now which is setback 75-feet from the property line and approximately 71 feet from the bulkhead. We had initially thought to renovate the house in place, but as a number of issues arose, one being the flood zone, we wanted to raise the house. It had been flooded in Sandy. We wanted to enlarge the house for the family with four children, and there is also a fair number of shortcomings in the existing construction that we wanted to deal with.

So based on that we had originally submitted a plan which showed a 75-foot setback from the bulkhead, which had been in zoning up until recently.

The new proposal shows the house back at an 85-foot setback from the bulkhead. That was plans dated January 22nd, 2016. And we also shifted the house five feet to the west to provide a better backup space for the garage structure that is there.

In reading the code, the Board does reserve the right to waive or alter setbacks for the site-specific conditions, so I wanted to talk about a few of those. The first is that we have an existing three-car garage that will remain in place. The greater the setback for the house, the more it overlaps the garage, increasing its nonconformity and increasing zoning variance required. It also gets more of an awkward backing up space from the garage.

The second is that we reviewed houses in the area, specifically, and again, the code states that they should be, new houses should be situated so that they project no closer to the wetland boundary than the mean seaward projection of

the homes in the general vicinity and on either side of the subject lot.

I did get surveys from quite a few of the surrounding homeowners, specifically the two adjacent. The property to the east, the bulkhead is approximately 58 feet from the deck on the house. And the house itself is located 67 feet, again, which is less than the 85 feet that we are proposing. Now, the house to the west, I could not find a survey for that, so I actually measured the bulkhead to the house, and that is 146 feet, which is actually significantly more than the code requires. And I'm not sure why the house is located there. It is lower and more in the flood plain than our house. Maybe they wanted a shorter driveway or are unconcerned with the views. The owner is rarely there, and it almost seems abandoned, the house. So it seems a little unfair that we should be penalized for their arbitrary location, which is significantly beyond what it needed to be.

The other houses in the area, I assume you have the list, the surveys, whatever.

TRUSTEE BREDEMEYER: Yes.

MR. WEBER: Starting, you know, on a property significantly to the east, we have 20 feet, 69, 50, 60, 47. Then the adjacent neighbor to the east, 58. Our proposal is 85. Then to the west, again, 146, 212, 57 and 102'6".

A third concern of ours is the existing trees on the property, as we move the house back there are two trees just to the north of the driveway, in the house location 85 feet from the wetlands. We would be about 12 to 13 feet from those two trees. I think any closer they would obviously have to be removed.

And the last factor I guess is the fact the property is fully bulkheaded and we have some wetland spaces actually beyond that. And so it really establishes a hard line. It's not a fuzzy line where you have wetlands that can come and go a little bit. So I would be glad to entertain questions on this.

TRUSTEE DOMINO: Thank you, very much for your presentation. Have you considered the non-turf buffer? I don't see it on the plan.

That would mitigate the LWRP coordinator's concerns.

MR. WEBER: Yes, we would consider that. I think at one point I think there was some sort of ten-foot setback that was --

TRUSTEE BREDEMEYER: Ten, historically, particularly what is involved with a new bulkhead construction. And obviously encouragement that the turf stay there as a non-fertilized turf, additionally, in front of it. But specifically non-turf is typically ten feet that we go with.

TRUSTEE SANDERS: Right now, the aerial depicts it's all grass. So the homeowners have to understand that would be something that would be modified.

MR. WEBER: Right. Yes, we would agree to that.

TRUSTEE DOMINO: Any other questions or comments from the Board?

TRUSTEE BREDEMEYER: This was a return on a field inspection of the Trustees. It did accommodate the requirement for the code

intent for not having house lines creeping closer to wetlands, similar to honoring pier lines in creeks with docks. So the re-submission, thank you, it does address our code requirements and it provides a site specific reason to grant the waiver against the strict 100 feet provision for the setback.

TRUSTEE DOMINO: Anyone else wish to speak to this application?

(Negative response).

Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as submitted with the addition of a ten-foot non-turf buffer, which will address the inconsistency as noted by the LWRP coordinator.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: Motion has been made and second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next item, number three, Costello Marine Contracting Corp., on behalf of **BRUCE AND ALLAN GOLDSMITH** request a Wetland Permit to remove 75' of existing bulkhead and 32' long return; construct 75' of new bulkhead and 32' west return in-place, in-kind using vinyl sheathing; and to subsequently maintain the 10' wide non-turf buffer along the landward edge of the bulkhead. Located: 2550 Hobart Road, Southold. SCTM# 1000-64-3-8

On the advice of counsel and the Trustees' experience on field inspection for this job, that there is no imminent risk of collapse or risk to personal safety on the subject property, I would move to table this application until next month.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: We have to take a roll call vote, and have Mr. Goldsmith recuse himself.

TRUSTEE GOLDSMITH: I'll recuse myself from this.

(Trustee Goldsmith exits the meeting hall).

TRUSTEE BREDEMEYER: Okay, roll call vote for the purpose of that. Motion is made and second. Roll call vote. Trustee Domino?

TRUSTEE DOMINO: Aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye. Trustee Sanders?

TRUSTEE SANDERS: Aye.

TRUSTEE BREDEMEYER: And Trustee Krupski?

TRUSTEE KRUPSKI: Aye.

(Trustee Goldsmith returns to the dais).

TRUSTEE SANDERS: Number four, Chuck Thomas on behalf of **ROBERT SERLING** requests a Wetland permit to add a two-story addition onto the existing 886sq.ft. one-story dwelling by removing the existing 323sq.ft. deck; construct a 708sq.ft. first floor

footprint area; a 240sq.ft. Attached garage; a 282sq.ft. Seaward porch including screened porch; second story addition to include a 236sq.ft. balcony; and the existing waterside 16.6'x12' on-grade masonry patio to remain. Located: 3575 Wells Road, Peconic. SCTM# 1000-86-2-10

The LWRP has found this consistent. So that's a good thing. And the CAC has resolved to support the application. I'll go to the field notes. Okay, on February 10th, 2016, all of us were present for the field inspection. And again I'll go back to the notes, because I didn't write it. Mike, do you mind reading the notes for the field inspection? You're another doctor.

TRUSTEE DOMINO: Sure. The notes say check to see if the shed has a C of O. And it appears to have electric, septic, et cetera. The shed measures also 7'9" by 14', which is greater than -- it's 108.5 square feet, which is greater than that allowed by code.

TRUSTEE SANDERS: It popped up as a question for us because if one looks at the picture, it looks perfect for a bathroom, where if there is any water to it, if there is a bathroom in there, because we couldn't go inside, where is that water going? Is it hooked up to a cesspool or something like that? That's a question that arose during that time when we did the field inspection.

Is there anybody here who would like to speak on behalf of this applicant?

MR. THOMAS: Chuck Thomas, architect for the project. I have proof of posting.

The shed has a CO. Prior to us coming here, we started back in October, prior to the new zoning change, so I had to go to the Zoning Board of Appeals for the setback to the bulkhead, and at and time we did and complete CO search, and Mike Verity basically wrote the disapproval for the setback for the addition to the existing bulkhead. The existing shed as you see it, was under a previous CO. It does not have water to it, as to the second part of your question.

TRUSTEE SANDERS: Are you sure it doesn't have water? Because there was an actual pipe we observed going right into the facility.

MR. THOMAS: He said there is no water to it.

TRUSTEE BREDEMEYER: There is water leaving it on the northerly side. I initiated discussion with the principal building inspector, Mr. Verity, I was not able to confirm what you are saying. At this time, do you have anything from Zoning? If the Zoning Board of Appeals was dealing with an approval for the proposed house construction, you are saying this was wrapped into that, we can get a written --

MR. THOMAS: This was wrapped into it for a house addition that was done in the '80s, I believe. The CO, everything was, there was a CO for the property, the shed was included in that. The Zoning check was done in November by Mike Verity, which sent me to the Zoning Board of Appeals, and their only objection on this property was the setback to the bulkhead for the addition. The

shed he did not have a problem with.

TRUSTEE BREDEMEYER: I think as far as the questions remain on the part of the Board, we don't, and there has been some change in Town Code with respect to setbacks to bulkheads, the concern here is the shed use is initially conforming and we, I think it's a matter that we have not been able to fully confirm with the Building Department. It's something we probably, because of our concerns, it's incumbent on us, we would have to follow up with that.

TRUSTEE SANDERS: The key is if there is a bathroom --

MR. THOMAS: There is not a bathroom.

TRUSTEE SANDERS: Or even if water is hooked up, water has to go somewhere. So we are worried about it washing right into the bay. It's a big issue. And since we can't confirm that, it's a suggestion to table until we can determine this.

TRUSTEE BREDEMEYER: For further research, until we fully discern what this C of O -- possibly if you work with your owner, maybe it's a matter he got a C of O and water was added after the initial approvals. The Board can consider proper plumbing from a licensed plumber hooking up to an existing sanitary, something away from the water's edge.

TRUSTEE SANDERS: Any thoughts, is there anybody else who would like to speak on behalf of this application?

(Negative response).

Any more thoughts from the Board?

(Negative response).

MR. THOMAS: Could we, is it possible to address the other part of the application if there is any other issues, that way we know, we don't have to possibly come back again? Can we just look at this as I don't want to say a separate issue, I know it's all encompassing, but look at the addition, perhaps?

TRUSTEE BREDEMEYER: I don't think we can necessarily -- I'm not sure we can segment it, issue out and go with an approval --

MR. THOMAS: I'm not asking for approval, just a discussion.

TRUSTEE BREDEMEYER: Oh, discussion, sure.

TRUSTEE SANDERS: Do you have any more things you would like to add with regard to the application?

MR. THOMAS: Not really. The verbal description basically wraps up the project. It's a fairly simple addition to the existing house. The house is well maintained, and he's looking for more living space. And we came out to the south, we stepped it back, and added just a small porch to basically maintain the existing setbacks. We have 51 feet to the existing patio and we did 51'6" to the proposed deck. So we were trying to keep the setbacks.

TRUSTEE SANDERS: So the existing patio is being eliminated.

MR. THOMAS: The existing deck is being eliminated. On there is an indication of the existing deck.

TRUSTEE SANDERS: Just a clarification. It does say existing patio, that's getting removed, and there is the proposed deck.

MR. THOMAS: The existing patio remains, the existing patio on the survey, remains.

TRUSTEE SANDERS: If you want to look at this. It's just terminology, everything matters.

MR. THOMAS: This is grade level patio that's, that remains. This is proposed. This is wood frame at floor level, which is two feet above grade.

TRUSTEE SANDERS: Okay. Any thoughts from you guys? Any thoughts from the Board?

TRUSTEE BREDEMEYER: As far as the house addition and the deck, I don't think anyone has an issue with that.

MR. THOMAS: I just --

TRUSTEE SANDERS: It's very valid. Good point.

MR. THOMAS: If there is something I could address.

TRUSTEE BREDEMEYER: I think it's something we are working --

MR. THOMAS: I'm fairly confident, because we went through the entire CO search for the property. And Mike Verity would not have issued the, sent me to Zoning Board of Appeals and then have them say we can't give you this because there is an existing shed on the property.

TRUSTEE BREDEMEYER: Let me just add a point of clarification on that. In friendly terms, please. The survey indicates it's less than 100 square feet. So structures less than 100 square feet typically don't require a building permit or C of O under the current Town Code regulations. But it measures up more than 100 square feet. So an initial plan review by the principal building administrator, it may not have come up as being liable because maybe it was an old survey that had not been updated. So that the fact pattern for the principal building administrator may not be what the Board had on field inspection.

TRUSTEE SANDERS: The only other issue that popped in my head again, was the statement was made there is no water, but visual indication from me looked, unless I didn't look clearly enough, it looks like there is an actual spicket right inside building, so.

MR. THOMAS: We'll take care of that part of it then. Thank you, very much.

TRUSTEE SANDERS: You're welcome. Motion to table this.

TRUSTEE BREDEMEYER: Motion made.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number five on the list, Robert Brown Architects on behalf of **SAYWARD MAZUR** requests a Wetland Permit to construct a 378sq.ft. one-story addition and a 943sq.ft. two-story addition that includes an attached garage onto the existing 1,481sq.ft. two-story dwelling with a 737sq.ft. waterside porch and a 197sq.ft. front porch; and to expand existing front porch an additional 270sq.ft. Located: 555 West Road, Cutchogue. SCTM# 1000-110-7-7

The LWRP found this to be consistent after reviewing the Chapter 268. The CAC also resolved to support the application of Sayward Mazur to construct a one-story dwelling.

On February 10th, the Trustees went out on field inspection and originally observed not staked, however Trustee Krupski returned on the 16th to review the stakes and found them to be appropriate. All were present initially and on the second inspection it was just Trustee Krupski. It was also observed that the description is to be amended to include no front porch, and also observed while we were there the original time, we would require gutters to leaders and drywells.

Is there anyone that wishes to speak regarding this Application?

MR. BROWN: Robert Brown, architect for the project. And my apologies for not having it staked out in a timely fashion. That was my fault.

This is an addition starting on the, roughly the middle of the west side of the existing house, proceeding northerly landward. It is primarily an addition for a first floor master bedroom suite and garage, with a bonus room over the garage, basically.

I'm really here to answer any questions that you might have.

TRUSTEE SANDERS: Gutters and leaders to drywells, is that indicated, is that something that --

MR. BROWN: Actually the plan calls for French drains surrounding the addition, to run to drywells.

TRUSTEE BREDEMEYER: For those of you that are not familiar with, a French drain is a construction technique where soils are excavated to the level of good drainage sand and then backfilled, typically, with course material, with or without a fabric lain in between. And lain with diverse materials, and they are, functionally, in many cases, are more suitable for many sites because they can architecturally allow for not having unsightly gutter and leaders. In many cases they are capable of drawing off vast quantities of water, even compared to conventional gutters and leaders to drywells.

MR. BROWN: Our plan also calls for perforated pipe in the trench to run water to a drywell.

TRUSTEE SANDERS: We must have missed that. Our apologies on that one.

TRUSTEE BREDEMEYER: Just a comment, if everyone was as reliable on staking projects, I think -- I have been a Trustees on the Board for the better part of 25 years. No need to apologize. Given the weather, it's hard to get stakes in the ground.

MR. BROWN: That's right, it was the snowstorm that did it.

TRUSTEE KRUPSKI: Is there anyone else who wishes to speak regarding this application?

(Negative response).

Any other comment from the Board?

TRUSTEE SANDERS: Just said one thing about removal of the porch? What is that?

TRUSTEE KRUPSKI: Yes, I'll get that in there. Originally there was going to be something on the seaward side. And that is going to be amended to -- right. That's it. I'll make a motion to close this hearing.

TRUSTEE SANDERS: Okay.

TRUSTEE BREDEMEYER: Sorry, motion has been made. Is there a second?

TRUSTEE GOLDSMITH: Second on the motion to close.

TRUSTEE KRUPSKI: I'll make a motion to approve this application with the amendment of no porch on the seaward side.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. BROWN: Thank you, very much.

MR. GOLDSMITH: Item six, Jeffrey Patanjo on behalf of **355 LAKE DRIVE LLC** requests a Wetland Permit to install a 32"x12' aluminum ramp off bulkhead to a 6'x20' floating dock secured by two (2) 10" diameter piles. Located: 355 Lake Drive, Southold. SCTM# 1000-80-3-15

The LWRP deems this consistent. The CAC resolved to support this application. The Trustees did a field inspection on February 10th. The only thing we noted was it might have to move closer to the property line due to an adjacent dock.

Is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeffrey Patanjo on behalf of the applicant. I maintain the spacing of it as ten foot off of the projected property line, which is standard procedures for and in alignment. So it's not perpendicular to the dock itself. And I can, we could put it wherever you want it. I did have a call from the neighbor this afternoon regarding it. The neighbor to the east. I think -- I'm pretty sure it was the neighbor to the east, asking if we could move it further away from the property line, but I felt that was going to cause some boat maneuverability problems to the neighbor to the west. So I think where it is, is in a good spot.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak to this application?

MR. FORCHELLI: Good evening, my name is Jeff Forchelli, and I am the neighbor to the east.

Last Tuesday, which was the 11th, we got a, excuse me, the 9th, I got a notice from the Post Office that there was a certified mail which was picked up on the 11th about this hearing tonight. I tried to retain the lawyer who represented me previously on this -- I am an attorney myself -- on a matter here. And she was going to be my attorney, and then she had a conflict which she learned of this afternoon. So I'm here. We can either make this easy or hard, basically.

I think the dock is too close to my property line. It's ten feet off the extension of my property line. And I think I would like to have it moved the other way another five feet. If we could resolve that, fine, I would like to revolve it. If not, I would ask this be adjourned so I could properly prepare to represent myself on this matter.

TRUSTEE SANDERS: You are the property owner to the east?

MR. FORCHELLI: Yes.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?

MR. PATANJO: Can I add a comment?

TRUSTEE GOLDSMITH: Sure.

MR. PATANJO: The property to the east, looking at the separation distance between the ramp and the existing float at Mr. Forchelli's property, there seems to be a huge separation between the docks. So I don't know if there is any concern of boats crashing into each other unless he has a 38-foot wide boat.

TRUSTEE SANDERS: Can I ask you to come up and look at this real quick? You have seen this, correct?

MR. FORCHELLI: Yes. It's ten foot here, which means if a boat is eight-foot wide and they have fenders out, and they have rolls and slopes and the wind blows, it will keep blowing over and it won't be contained within their riparian rights. I would like to see this moved over five feet.

TRUSTEE SANDERS: Okay.

TRUSTEE BREDEMEYER: I know there is prevailing public law concerning extension of property lines and placement of docks, which may require some further review. Because it is a constrained location and the applicant is in the process of requesting a waiver from the strict provisions of the 15-feet off the property line, and I'm not entirely sure, but there may be an accommodation, slight change of position that would still accommodate the intent and be able to be waived. But I don't think we can plan that from here.

MR. FORCHELLI: And let me just say one other thing, I don't need someone telling me that I have a boat 38-feet wide. I'm a land use lawyer, I've been doing it for 45 years, I represented many, many projects, major projects on Long Island. I built over 300 homes, in which I have been a developer. I don't need a smart ass remark like that.

TRUSTEE BREDEMEYER: With respect to, I'm sorry, from whom?

MR. FORCHELLI: Saying unless I have a 38-foot boat.

TRUSTEE BREDEMEYER: If it's someone from here or myself, I apologize. Otherwise comments are directed to the Chair.

MR. FORCHELLI: It was from Mr. Patanjo.

TRUSTEE BREDEMEYER: Also, do you have just a single dock on your property? Because I know it's an association.

MR. FORCHELLI: Yes, it's my dock.

TRUSTEE BREDEMEYER: Okay. Two appear on the survey, but it's unclear from the --

MR. FORCHELLI: I'm to the east. There is only one dock I see to the east.

TRUSTEE BREDEMEYER: You are the sole owner -- sorry, you are the sole owner to the east.

MR. FORCHELLI: Yes.

TRUSTEE SANDERS: Our goal is to make this -- to protect wetlands --

MR. FORCHELLI: I came here and said I could make it very easy, and I got a smart ass remark which I didn't appreciate.

TRUSTEE SANDERS: Understood. Our goal is to also try and keep things as civil as possible.

MR. FORCHELLI: And I came here not to object. I came here to be nice about it.

MR. PATANJO: If we move this over five feet, what is the neighbor to the west, how is he going to get in and out of his slip? That's what I'm concerned about.

TRUSTEE SANDERS: Another question, again, we are just talking here. As I observed the survey for -- again, I'm not you in terms of the ability to design these, if you were able to place it five feet to the west and angle it, could it satisfy all involved? Because the property is so weirdly designed, the neighbors to the west, if you can move it five feet and then angle it, then most likely no one will be injured by that and you'll probably get five feet that you want and the neighbors will get most likely what he wants. Do you see what I'm saying?

MR. PATANJO: Absolutely. What I can do is, I could swing the location of where the ramp ties in with the bulkhead. Move that, even more than five feet to the west. And leave the water side location where it is. So as to allow the boat to get into the dock that is to the west.

TRUSTEE SANDERS: The concern still doesn't mitigate -- that doesn't mitigate -- you are still at ten feet.

TRUSTEE BREDEMEYER: Any alternative here I think we'll have to re-advertise because we are not having the 15 feet for either neighbor, and unless there can be an accommodation outside that comes back to the Board that all members are in agreement with every iteration, they have to come back with advertising to allow neighbors to comment.

MR. FORCHELLI: If I might. If you moved it over three feet so you have 13 foot side line, it still doesn't meet 15 foot, but it's 13 feet, it gives a little more room and I think, just looking at this, and I spent a lot of time on surveys, it seems to me moving it three feet, looking at the dimension of ten foot, I think that seems like it would work.

MR. PATANJO: If we move it three feet and angle it as well.

TRUSTEE SANDERS: Let me back read. You are saying if they modify it three feet to the west --

MR. FORCHELLI: Right.

TRUSTEE SANDERS: Are you having issues with three feet to the west?

MR. PATANJO: No.

MR. FORCHELLI: Then as far as I'm concerned we can be done.

MR. PATANJO: Should we angle it as well?

MR. FORCHELLI: I don't need an angle.

TRUSTEE DOMINO: To be clear, he's moving three feet, what angle will it be at?

MR. PATANJO: I think I would like to angle it a little bit. Which would get it even further away.

TRUSTEE SANDERS: My suggestion is, because I think now you guys are in agreement, is to have this modified -- table it, modify it, then come back to us. And I think everybody is happy.

MR. PATANJO: Sure.

TRUSTEE DOMINO: Before we do that, what we have often done with you is pre-submission inspections. And this may have been a property that might have been a good idea to do that. And I would also want to interject that if you are angling it, you might want to parallel the property line to the west.

MR. PATANJO: Correct.

TRUSTEE DOMINO: And that way you would avoid navigation issues. You would satisfy at least a 15-foot setback, which would be required by code, and we would avoid or help mitigate navigation issues with the dock to the west, which I also want to point out, I don't have a survey in front of me, but it looks as if that dock is right on the property line.

MR. PATANJO: Correct. That's where it is.

TRUSTEE DOMINO: So it might not even have a valid permit.

MR. FORCHELLI: When I looked at it, I thought if it was moved over three feet it would probably not affect the neighbor's to the west property.

TRUSTEE SANDERS: From what he's saying, it looks like, that the modification three foot to the west with an angle will satisfy your issue and most likely satisfy our 15 feet, as well as the neighbor to the west, so.

MR. FORCHELLI: That's fine.

MR. PATANJO: And the reason is, the neighbor to the west, I think they dock their boat on the south side of that float. If that's their property.

MR. FORCHELLI: They do. I believe they do.

TRUSTEE SANDERS: We are not approving anything at the moment, but it's getting to the point of a meeting of the minds.

TRUSTEE DOMINO: I would suggest you scale it out. I'm not sure three feet would do it, Mr. Patanjo.

MR. PATANJO: I'll make it work.

TRUSTEE GOLDSMITH: Any other comments?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: Motion made and seconded. All in favor?

TRUSTEE SANDERS: We should adjourn it. We have to back that up.

TRUSTEE BREDEMEYER: Yes.

TRUSTEE GOLDSMITH: I'll make a motion to table this hearing.

TRUSTEE BREDEMEYER: Motion has been made to table. Is there a second?

TRUSTEE SANDERS: I'll second it.

TRUSTEE BREDEMEYER: Okay, motion made to table and seconded. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Let's make a motion to extend the hearing -- make a motion to rescind the closure of the hearing for

clarification of the record, that we didn't close the hearing, we want to keep it open in case there needs to be comments.

TRUSTEE GOLDSMITH: Sorry, it's my first time. I make a motion to rescind the motion to close the hearing.

TRUSTEE DOMINO: I withdraw my second also.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second?

TRUSTEE SANDERS: Second it.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. PATANJO: Thank you.

TRUSTEE DOMINO: Number seven, Michael Kimack on behalf of **JOHN & KORI ESTRADA** requests a Wetland Permit to demolish southeast section of existing one-story dwelling; renovate remaining 1,972sq.ft. of existing dwelling by installing new window, doors, and roof; construct a 2,310sq.ft. two-story addition to easterly side; existing 521sq.ft. seaward side deck to remain; construct a 605sq.ft. seaward deck with stairs to grade; construct a 451sq.ft. in-ground swimming pool and hot tub; and install pool enclosure fencing. Located: 2350 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-7

The Trustees did a field inspection on February 10th. Refer you to the photograph Liz has just brought up. The Trustee notes suggest a wetland restoration in a non-disturbance between the pool and the wetland; the bridge over the wetlands; non-turf buffer seaward of the wetlands to the creek. This was done on February 10th, at 1:00 PM.

The LWRP coordinator found this to be inconsistent. The inconsistency stems from policy standards Four, Five and Six and is for the following reasons: Number one: The depth to groundwater is shallow in this area is not indicated on the plans. Number two: Portions of the proposed two story addition, deck and pool, are located within the FEMA flood zone AE elevation six foot not meeting policy number four. And three, the proposed pool deck is located 23 feet from the wetland area.

The CAC on February 10th, resolved to support this application.

Is there anyone here to speak to this application?

MR. KIMACK: Michael Kimack, on behalf of the applicant. I'll take you back to the time, I was present when you did your site visit a week ago Wednesday. We did note on the site that there was a ponding that was occurring in the low depression area, that it was designated as a wetland area, and that particular time we queried whether or not that in fact might have been the occurrence of either fresh or saltwater. And we did not know. It appeared since looking at it that it might have been a tidal -- the map at that particular time was mapped tidal wetland. The survey. I went back to Nathan Corwin on that particular one questioning him. I also queried John Estrada who is here tonight as to whether his experience with that indicated whether that particular area was in fact a flooding as a result of tidal or

flooding as a result of fresh water. And both Nathan and Mr. Estrada basically pointed out to me that that particular area only floods from surface water. It does not flood from tidal water, unless it's being pushed by a heavy storm. As a matter of fact he does have photos, he has a security camera that was set up the day we were there basically and it had the high tide come up and the high tide go down, the tidal water there not a function of the tidal water. The primary tidal wetland follows the property around and on the westerly side comes within 40 feet of the existing house, which is permitted for the most part. I wanted to break this into two components here because the tidal wetland, as you go down to the existing pool, the proposed pool itself, is further away from the tidal wetland than the existing approved. Because of the angulation of the way the land is running at the present time. Albeit, the fact it does go into the low area, for the most part over there, but it's not an inground pool. I did not write it as such. That was a mistake. It's an elevated pool basically, up to grade. So it will be a re-enforced concrete that will bring it up that will be poured into the ground and then raised up, basically. The first floor elevation is 8.5 and I think this then steps down just briefly a few inches or so. I think the deck itself is probably eight feet and the pool is about that also, above the grade. I gave you two copies here because I wanted to point out the fact that on this particular drawing also I'll bring your attention to the original map by Corwin, by Nathan Corwin, had indicated a 50 foot setback from the primary tidal wetland area. That was a mistake. Because DEC requires 75 feet. In order to -- 75 feet to any structure or any deck, basically. And you can see, basically, that the 75 feet on the revised plan that we submitted encompasses pretty much half of the existing house, and it touches just barely to the proposed pool and the proposed deck.

TRUSTEE SANDERS: What's the date of the revised plan?

MR. KIMACK: I delivered five copies of the revised survey, basically, the other day.

TRUSTEE DOMINO: It's right here in the file. (Handing).

MR. KIMACK: The two things that were changed on that, we established a 75-foot wetland setback which is the DEC requirement, subject to a variance if it was short of that. But we did that primarily to show you that the way that everything has been laid out to the east, for the most part stays away from the primary tidal wetland. And what happens basically is you have that one low depression, and you can see there it says 1.6 feet. I gave you the second sheet to indicate, on the second sheet, because that shows the boring line over there, of how deep it is, because where the septic system is going on the top, the water level is six-and-a-half feet down. So the water on the low depression point over there is roughly about a foot below. Only to the point there may be circumstances by which groundwater also ponds up. But that would be a function of an

awful lot of heavy rain. For the most part, primarily that area gets flooded simply because it's a depression. It's a freshwater wetland. It is a wetland. But it is not a tidal wetland.

Primary. And if we drew the 75-feet away from there with the 75-feet from the DEC it pretty much covers everything on the property, everything we are doing or proposing to do at that particular site.

From DEC's point of view we really cannot move the proposed pool to the west because we will be further into the encroachment of the 75-feet there.

TRUSTEE BREDEMEYER: Have you made application to the DEC --

MR. KIMACK: We have. We have. We got a letter back about two weeks ago simply requesting a variance at that point because of the 75-foot setback.

TRUSTEE BREDEMEYER: I know, I appreciate you called, it was last Friday, to inform me of some of the issues. It just so happened my wife had a doctor's appointment in Mattituck on Friday, and I'm lucky in that my former employer, the Suffolk County Health Department, where I worked in the marine section for 25 years, had loaned me a salinometer. And I have to tell you that meters don't lie. And although I can't attest to its calibration to the hundredth percent of salinity, the new surveillance camera would have a guy out there, kicking up some of the ice in the middle of that saltwater wetland and I brought it back and it tested out at about a quarter full seawater strength. Given the fact we had two blizzards, it could have well been those high tides --

MR. KIMACK: It could have been the melting of the salt of the ice.

TRUSTEE BREDEMEYER: (Continuing) the Board is sort of blind to the full extent of what is actually the wetland and the wetland vegetation because everything is covered with snow, but it clearly is a fact the property is regularly inundated with salt water, and the few wetland shrubs that show up in our photograph appear to be high tide bush. So this is a property that, because of the historic dredging in the creek and the amount of what is probably dredge spoil in front, there is a lot of salt water coming into that area there and to characterize it as a freshwater wetland, we might have to ask the DEC's freshwater wetland people get involved or if the interagency, we get a clarification of what kind of wetland we are considering here so that we can get the full extent of it is known and we have an agreement as to what is the appropriate setback. You know, it is obviously real questions that the DEC or this Board might have concerning functionality and whether it would be better, that is why I think in the field we thought if the applicant was in a position to put through flow deck over it and bridge it, it would not create all those problems with how you landscape an area that is regularly getting inundated, an area that wants to grow vegetation and tends to, you know, hopefully eliminate problems. But we have a lot of questions going on here. I have a lot of questions.

MR. KIMACK: I think what you are looking at, the whole raised escarpment area in the front, which we tend to agree might have been the function of all the dredging, basically, that raised it all up and created that little slope area behind it. That whole area has been obviously mowed and tended to over time. I don't think we are talking about that area. You were looking at the so-called area that you believe was the tidal area in the slope in the low area through there, which is all a fairly resilient grass at the present time, which Nick pointed out, for the most part.

My client does not really, he looks at that as basically he wants to be able to maintain it. He doesn't necessarily want it back to a wetland, which it has not been for -- I mean a wetland in terms of the visual aspect of the kind of plants you are going to put in there. In essence, it's been a grassland situation now for probably a good 40 to 50 years, under that circumstances. And to basically require him to go back and take that and to turn it into some kind of a wetland, that had not been there for that particular period of time, he doesn't want to necessarily lose the advantage of having all that property converted to a wetland.

TRUSTEE DOMINO: The definition of wetland is an area that is, has water -- that doesn't have to have standing water all year-round. Periodically. And has wetland species. So looking at the first plan that was submitted by Nathan Corwin, January 13th, he notes the landward limit of the tidal wetland, as you pointed out before, but on the revised survey, that you submitted February 16th, it is still labeled, this area is a depression that rainwater runoff gathers in and is not reached merely by high tide. That's his opinion. But this is a fact. There are wetland plant species located in this area. So by that definition, this is a wetland. If you want to make it a freshwater wetland, in contradiction to the technical findings, then I'm going to insist that you go to the DEC and you'll be involved with freshwater wetlands, which is 100-foot setback at minimum, and you'll have probably greater problems. This is a statement of fact.

Also, the vast experience of this Board in walking through that area, I want to respectfully disagree, in my opinion that is a tidal wetland.

MR. KIMACK: I have the owner of the house who has lived there two-and-a-half years. I would like him to come up and testify to that point.

MR. ESTRADA: Hi, John Estrada, owner. I lived there for two-and-a-half years and I have seen it, actually, the tide come up that high once. That was actually in January with the storm that we had. There was some flooding. So maybe the salt was from that. But I mean you can see in this picture, it's absolutely zero water, it's bone dry. And I think you can actually change the time period and there is zero water, I can attest to that. And I have pictures and time lapse. Actually the

day you were there, it was high tide. So it was not higher than that. So.

TRUSTEE DOMINO: The challenge again is that you don't have to have water there every single day. It may be bone dry at certain times but if it has water and it has indicated species, you saw *Baccharus* there, which is high tide bush, that makes it a wetland. And you have to deal with that.

TRUSTEE BREDEMEYER: Periodic inundation and the fact there is salinity in there, and probably under, the soils there, probably below are probably hydric or wetland-type soils, I think an issue for us is that if it's a very small, isolated, vegetated wetland existing in a sea of *zoysia*, it's not very highly productive, but we still might want to go there and figure out its meets and bounds. Maybe there is an alternative including maybe some wetland creation elsewhere on the property that could be enhancement. Because we know from our own history that areas like this as you continue to maintain a lawn will typically simply disappear. And there may be alternatives, simply, we understanding impracticality for a new owner maybe to consider bridging it, but the sea level is rising, those of us that have been traversing the town and lives near the water, our clerk lives near the water, I live near the water; there will be more water in your property all the time. That's why we thought it was maybe a helpful hint to go with the bridging and use your landform as it exists. We understand you don't want to lose your backyard, you don't to necessarily have a bridge over it. So maybe the Board will want to, I don't know how the rest of the members feel, but I feel more comfortable seeing the extent of the wetland, going out when there is not snow on the ground and then maybe discussing a wetland improvement project since there are other wetlands on the property as far as an amendment to possibly some of the other areas.

MR. KIMACK: I think what you are doing as alternative basically is perhaps what we may be able to consider there, is to look at that raised area towards the tidal wetland, basically, as an area that we may be able to improve with 1-A type plants in that particular area that would be wetland type, and pick out a particular area in there to be able to replant that and leave that to be able to be revegetated as a wetland.

TRUSTEE BREDEMEYER: And also the neighbors may have issues because the depression goes on to a neighboring property, too. Have you discussed that with the neighbors as far as their issues with recurrent flooding?

MR. KIMACK: I think the neighbors are here, if they would like to --

TRUSTEE SANDERS: One other quick question. The lowland area -- are you suggesting you want to keep that lawn? Because if you keep that lawn, that means irrigation and that means chemicals. And that's one of the biggest issues is that will flush, and flush right into the bay. The higher land is not as much of an issue as low lands. Do you see where I'm going?

MR. KIMACK: I think the condition on that is, basically, I think he would like to be able to mow and maintain that to be able to walk across it, but I think the condition would be he would not put any fertilizer on it. It's the type of grass in there that doesn't require it anyway. I mean, you can't kill it with a sledgehammer, for the most part.

TRUSTEE DOMINO: Could you approach the dais and show me where the soil test was done?

MR. KIMACK: There was two pages. Wait a minute. There is a separate one here.

TRUSTEE DOMINO: I'm asking where it was done.

MR. KIMACK: It was done up in here. (Indicating).

TRUSTEE KRUPSKI: Up by the driveway.

MR. KIMACK: At seven foot elevation. Then hit water at six foot.

TRUSTEE DOMINO: This is water at six-and-a-half feet.

MR. KIMACK: Down from the top. So basically if you look at the Seven-foot elevation and you look at 1.9, basically that means the water is about a foot below here.

TRUSTEE DOMINO: Well, that's an inference.

MR. KIMACK: Well, it depends upon if it's an unconsolidated we are dealing with, then it's an inference. But generally those are the inferences the Health Department works with. When they do the boring they assume that inference is located across the property.

TRUSTEE BREDEMEYER: We are not locating any sanitary there either, right?

MR. KIMACK: No the sanitary is here. We have all the distance on the sanitary. That's not an issue.

TRUSTEE DOMINO: That's where the test bore was done. What I'm leading to --

MR. KIMACK: I think a consideration we would probably like to consider is perhaps a prohibition on using any fertilization on the grasses there that are existing at the present time except for mowing it. But that stuff is pretty hardy. And then perhaps take a like area that would have normally been that area through there, I think the existing area is about 250 square feet. That was designated by Nathan as the wetland, whether you want it to be tidal or freshwater. And then that area that leads to that area there is pick out another area of a certain square footage and perhaps pick an area out on the top there and replant that and then leave that to grow under natural conditions as a wetland. So in a sense you would be putting back wetland plants in an area that now simply has dredge material on it and has simply been cut.

TRUSTEE BREDEMEYER: If they are willing to speak to the application, I would be interested to hear comments from the neighbors as far as their experience with flooding and their position on it. Because we are dealing with, it seems like an isolated wetland, but the functional values we are kind of wondering where this is all going.

MR. KING: Hi, my name is Steve King, I'm the neighbor to the

east. I'm all for the project, everything is fine. The only concern I have at all is that whenever water does come, it gets spread out, over years, there has been water comes up, whether it's a hurricane, whether it's a bad storm, or nor'easter of some type, and it usually goes yard to yard. Their yard to my yard to the yard next door. And as long as nobody messes with it, it's been okay. I been there 37 years. And the only problem, maybe three times I had water. But it was not from that coming around. It was so bad it came from the bay right up to the house. So my only concern is sometimes when you mess with something, that it gets worse. So as far as making him change a vegetation back there, I personally don't see that. I have a lawn that is probably the worst lawn in the neighborhood, because I never fertilize it, I don't put any irrigation on it. It's brown, but it's cut. That's the way it is, that's okay. And their lawn is similar. They have the zoysia grass over there. And I'm not so sure that you'll improve anything by making them put a vegetation of some kind there and making it wetlands like it is out further. Having said that -- and I'm not an expert. Having said that, my only concern is whatever change is made doesn't increase the affects that all the other neighbors if they go and mess and change it. But from what I saw, I didn't see the change there because all the building and stuff was done before. So for me --

TRUSTEE BREDEMEYER: I think what we were, we were indicating if there were to be an amendment to a wetland it would not be that area so that the flow of water in and out would be unimpeded. So we would not impact neighbors. So it would the matter of maybe the creation of a wetland on the front or side of the mound, on the seaward side, possibly, with some indicators, native vegetation's, beach plums or additional Spartinas, something like that.

MR. KING: You've seen it more than I have. Sometimes when they change things it's okay. Then somebody changes something and then it's not okay. And when they change it they did it with all the intention of making it better. But as far as the project, I'm fine with it. I'm here tonight, just that part there, okay?

TRUSTEE DOMINO: The challenge for me is if you want to claim that this is a freshwater wetlands then I need to know, and not making an inference, we need to know that data, the depth to groundwater in that depression area, it's important to know that.

MR. KIMACK: One foot. Generally, one foot.

TRUSTEE BREDEMEYER: Maybe we can consider tabling to visit the site when there is not snow, maybe gather a little more information, maybe a test hole with a pipe in it to monitor levels when we would go out on field inspection.

MR. KIMACK: The groundwater basically, primarily, is a surface water collection. Apparently Mr. King knows more about that than most. It's mostly surface water contributes to that

collection of water in that area?

TRUSTEE DOMINO: You can't have a dialogue.

MR. KIMACK: I apologize.

TRUSTEE DOMINO: The depth of groundwater is important. You can not have standing water, freshwater, unless there is no permeability. And the permeability would arise, impermeability would arise from a clay layer, which would make it, or no depth to groundwater. So we have some conditions there we need to investigate.

MR. KIMACK: Also, the time we were there, I think the ground may have been frozen. You really have to consider the fact that it doesn't take much to freeze the ground. The permeability is a function of that.

TRUSTEE DOMINO: That may be true, and it probably is true. But then you are dealing with the fact it was brackish water as determined by, so that would make it a tidal wetlands. So you can't have it both ways.

TRUSTEE BREDEMEYER: Let's table to go back out --

MR. KIMACK: Let me leave this with the Board, basically, for the most part. We are working with DEC, I'm working with their representative in DEC. I suspect probably that they are going to, if in fact they so noted, their concern was not that one. In the letter they sent me primarily their concern was the fact it was a 75 foot setback. They were not looking at that particular wetland as an issue. However having said that they also indicated to me that may send someone out there to take a look at it to determine what is there. Basically, I'm not quite sure whether they can or can't at this particular time. But one way or the other, if they, the letter they sent me for the variance simply dealt with the tidal wetland, they didn't look at that one, even though it said "tidal" on the map, the letter I got from Claire Warner did not basically address that small area. They were not concerned about that. Having said that, you obviously are. There is a concern here. One of the ways to mitigate it, perhaps, would to have an offset wetland we may be able to plant of a certain square footage, near or off the high water mark, basically, along the tidal wetland boundary, along that one area, putting in a 1-A type of plant in there. Spartina may not grow because it may not be wetted in that particular area. But certainly bayberries and blueberries would in that particular area. And it would be a question of what we can come in with in terms of compromise and how much square footage you would feel comfortable with in terms of an offset. Which is certainly acceptable in a lot of the jurisdictions I have worked with. I primarily do a lot of work Vermont. And believe it or not they have as many wetlands as you do. And as Mike pointed out, you don't need water to have a wetland. I mean, I've got Class A, Class 1's, 2's and 3's all the way through.

And if you walk through the woods you'll see wetland plants and you are dry as a bone. So I'm quite familiar with that aspect. So we can perhaps, when -- I don't want to wait too

long because Mr. Estrada would like to be able to build at some point in the future. And I'm not quite sure when we would be able to get there to determine, although I may be able to get out there to determine where groundwater is in that one low spot, that would be easy if I could get through the frost, I could put a point down.

TRUSTEE BREDEMEYER: It may be advisable if the Department of Environmental Conservation is going to send out an analyst or someone to review, if you could contact the Trustees office and we'll see if we can get a Trustee out to join them for the discussion.

MR. KIMACK: I'll call Claire and ask. See, the problem is there's two different areas. She doesn't necessarily send that individual out. It's simply the part of the same application. So she is not exactly aware of when that individual may go out. They may have already done it. She said it would happen in the near future. And I talked to her last week. So I'm not sure quite sure if this time of year they would be able to find anything anyway.

That is one aspect we have to deal with. What I will do is I'll make, I'll give you a copy of their letter back to me indicating their concern primarily from the tidal wetland but not from that other one. For the most part. And it was definitely, the map they had, it was definitely mapped tidal on it. They had the first one with 50-foot setback to which she pointed out to me it was 75, not 50. But she didn't indicate that one. So I'll give you a copy of that, for what it's worth. At that particular time. But their main concern was the setback from the tidal wetland, not from that little remnant area we are dealing with. Anyway, I'll try to get in the next three or four weeks, when it gets a little better, to try to determine where groundwater is. I've done that before, that's easy enough to do. And what we may do is make a recommendation in terms of a square footage offset of a 1-A class 1-A type of a plant in an area near the tidal wetland, off to the side. That may offset the area that would have normally been that area across the area you wanted to put the bridge across. And leave the grass in place. If that would be something you could work with. So I know it's a lot of moving parts here but that's what happens when you have DEC regulations and yours, they don't necessary align themselves exactly right.

TRUSTEE DOMINO: In closing, I'll remind you that we always have to address the inconsistencies that the LWRP coordinator has pointed out to us.

Does anyone else wish to speak to this application?
(Negative response).

Hearing no further comments, I'll make a motion to table this application.

TRUSTEE BREDEMEYER: Motion is made. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

MR. KIMACK: Thank you.

TRUSTEE BREDEMEYER: You're welcome.

Next, number eight, Suffolk Environmental Consulting on behalf of **FIRM FOUNDATIONS PARTNERS LLC** request a Wetland Permit to remove the existing timber walk and docking assembly and construct a new dock assembly in approximately the same location consisting of a proposed landward 4'x16' top platform leading to a 4' wide by 52' long steps/rampway to a 4'x72' fixed catwalk, all supported by 6"x6" posts/pilings; a 3'x15' hinged ramp; and a 6'x20' floating dock secured by four (4) 8"x8" pilings; all top decking located over vegetated tidal wetlands to be light penetrable thru-flow type decking material. Located: 1060 Fox Hollow Road, Mattituck. SCTM# 1000-113-6-23

The application has been deemed inconsistent under the LWRP because the existing dock was constructed without the benefit of a Trustee Wetland Permit, and it is a very old dock. I don't know the history, but it is in derelict and falling apart shape.

The CAC supported the application with the through flow decking. And they are questioning whether light penetrable decking is an acceptable material for top decking. Yes, that's a term of art used to describe through flow decking, it certainly is approvable and it is the kind of decking we like to see on these docks. Is there anyone here wishes to speak on behalf of this application?

MR. IVANS: Yes, Matt Ivans, Suffolk Environmental, for the owner.

TRUSTEE SANDERS: You're very patient.

MR. IVANS: Bruce is out sick, so I'm here in his place. Yes, this is a pretty good application. We are replacing the existing dock which I think actually it did partially have a Trustee permit for some of this structure. But it's just dilapidated. You guys were out there. We'll put in, like you said, through flow, we'll elevate it properly, we'll narrow it down to four foot wide max on the catwalk. It will basically mimic what is out there now. It doesn't seem to be any encroachment issues with the neighbors. It will actually be shorter, it will be less square footage. We think it's a pretty good application. I'm here to answer any and all questions.

TRUSTEE BREDEMEYER: It appears to be totally in conformity with the current dock standards and practice.

TRUSTEE DOMINO: Not a question, but a statement. As proposed it seems me to be a model for the surrounding area.

MR. IVANS: Yes, I mean, that's the least common denominator for the docks, everywhere, for all the agencies, it comes down basically to a design like that.

TRUSTEE BREDEMEYER: Okay, any other further comment?
(Negative response).

Hearing none, I'll make a motion to close the hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. IVANS: Thank you, Board.

TRUSTEE BREDEMEYER: I'll make a motion to approve this application as submitted.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Motion to adjourn?

TRUSTEE SANDERS: I make a motion to adjourn our meeting.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

Respectfully submitted by,

A handwritten signature in cursive script that reads "John M. Bredemeyer III". The signature is written in dark ink and is positioned above the printed name.

John M. Bredemeyer III, President
Board of Trustees